

REMARKS

Claims 21, 24-25, 27-32 and 35-46 will be pending after the entry of this amendment. New claim 46 is added. Claims 21, 24, 28, 30, 31, 32 and 35 are amended to comply with the restriction requirement. Claim 21 is also amended to correct an inadvertent typographical error discussed below. Claims 1-20, 22, 23, 26, 33 and 34 are cancelled without prejudice. Claims 36-45 are withdrawn from consideration. Applicants reserve the right to file divisional/continuation applications to the cancelled subject matter.

Claim 21 is amended to insert an inadvertently omitted substituent “=C-” in the definition of Z^1 and Z^2 . The amendment finds basis in several of the exemplified compounds in the application, for example, *see*, compounds disclosed throughout the application and Figures 1-6. Since this substituent is found in the elected compound, its insertion should not require a new search. No new matter is added.

Applicants note that the proposed claim scope in the Office Action states the definition of Y^4 as =N= or =N(R⁵)-. Applicants respectfully submit that the definition of Y^4 proposed in the Office Action does not satisfy valency requirement for nitrogen. The correct definition of Y^4 as =N- or -N(R⁵)- is recited in the instant claims.

Further, the Office Action recites “(C₃-C₆)heteroalkyl” as a possible substituent in the definition of R^{1a} and R^{1b} . Applicants note that the proposed substituent “(C₃-C₆)heteroalkyl” in the definition of R^{1a} and R^{1b} has been recited as “(C₂-C₆)heteroalkyl” in the instant claims. This definition is supported by the claims and specification as originally filed, for example, *see*, claims 1 and 21.

Applicants submit that new claim 46 is supported, for example, at figures 4-7, of the application as originally filed. Applicants also submit that new claim 46 fully complies with the Restriction Requirement.

REJOINDER

Applicants request that method claims of Group III (Claims 36-45), previously withdrawn from consideration as a result of a restriction requirement, be rejoined pursuant to the procedures set forth in the Official Gazette Notice dated March 26, 1996 (1184 O.G. 86; M.P.E.P. §821.04) when product claims of Group I are found allowable.

CLAIM OBJECTIONS

The Office Action objects to claims 1, 2, 4-10, 21, 22, 24, 25, 27-32 and 35 as containing non-elected subject matter.

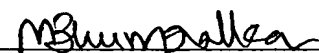
As discussed above, the claims have been amended to either cancel the non-elected subject matter without prejudice.

Applicants believe that the pending claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested.

No fee in addition to the fee for filing an Information Disclosure Statement and fee for two months extension of time is believed to be due with this response. However, if it is determined that additional fees are due, please charge them to Jones Day Deposit Account No. 503013 (order no. 893053-999077).

Respectfully submitted,

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Megha Bhumralkar (Reg. No. 44,536)
Jones Day
12750 High Bluff Drive, Suite 300
San Diego, CA 92130
(858) 314-1130 – direct
(858) 314-1150 – fax

For: Anthony M. Insogna (Reg No. 35,203)
JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939
ainsogna@jonesday.com